



01-20-04 Image RCE/2800

Atty. Dkt. No. 047711-0295

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Wayne A. Morgan et al.  
Title: IMPLANTABLE SENSOR  
ELECTRODES AND  
ELECTRONIC CIRCUITRY  
Appl. No.: 10/034,338  
Appl. Filing Date: 12/28/2001  
Examiner: Timothy J. Dole  
Art Unit: 2858

**REQUEST FOR CONTINUED EXAMINATION (RCE)**  
**TRANSMITTAL**

Mail Stop RCE  
Commissioner for Patents  
PO Box 1450  
Alexandria, Virginia 22313-1450

Sir:

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application. This RCE and the enclosed items listed below are being filed prior to the earliest of: (1) payment of the issue fee (unless a petition under 37 C.F.R. § 1.313 is granted); (2) abandonment of the application; or (3) the filing of a notice of appeal to the U.S. Court of Appeals for the Federal Circuit under 35 U.S.C. §141, or the commencement of a civil action under 35 U.S.C. §145 or §146 (unless the appeal or civil action is terminated).

1. Submission required under 37 C.F.R. §1.114: (check items that apply)

a. Previously submitted:

[ X ] Please enter and consider the amendment/reply previously filed on November  
18, 2003.

01/21/2004 CNGUYEN 00000129 10034338

01 FC:1301  
02 FC:1252

770.00 OP  
420.00 OP

-1-

015.619077.1

☐ Please consider the Affidavit(s)/Declaration(s) previously filed on \_\_ but not considered.

☐ Please consider the arguments in the Appeal Brief or Reply Brief under 37 C.F.R. § 1.116 previously filed on \_\_.

☐ Other \_\_.

b. Enclosed are:

☐ Amendment/Reply.

☐ Affidavit(s)/Declaration(s).

☐ Information Disclosure Statement.

☐ Form PTO-1449 with copies of \_\_ listed reference(s).

☐ Other .

Miscellaneous:

☐ Suspension of action of the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of \_\_ months.

The filing fee is calculated below:

	Claims as Amended	Previously Paid For	Extra Claims Present	Rate	Fee Totals
RCE Fee 1.17(e):				\$770.00	= \$770.00
Total Claims:	38	- 38	= 0	x \$18.00	= \$0.00
Independents	1	- 3	= 0	x \$86.00	= \$0.00
First presentation of any Multiple Dependent Claims:				+ \$290.00	= \$0.00
CLAIMS FEE TOTAL:					= \$770.00

☒ Applicant hereby petitions for an extension of time under 37 C.F.R. §1.136(a) for the total number of months checked below:

<input type="checkbox"/>	Extension for response filed within the first month:	\$110.00	0	\$0.00
<input checked="" type="checkbox"/>	Extension for response filed within the second month:	\$420.00		\$420.00
<input type="checkbox"/>	Extension for response filed within the third month:	\$950.00		\$0.00
<input type="checkbox"/>	Extension for response filed within the fourth month:	\$1,480.00		\$0.00
<input type="checkbox"/>	Extension for response filed within the fifth month:	\$2,010.00		\$0.00
EXTENSION FEE SUBTOTAL:				\$420.00
EXTENSION FEE ALREADY PAID: -				\$0.00
EXTENSION FEE TOTAL				\$420.00
CLAIMS AND EXTENSION FEE TOTAL:				\$1190.00
<input type="checkbox"/>	Small Entity Fees Apply (subtract ½ of above):			\$0.00
<input type="checkbox"/>	Suspension of action requested under 37 C.F.R. § 1.103(c)			\$0.00
TOTAL FEE:				\$1190.00

☐ Please charge Deposit Account No. 50-0872 in the amount of \$1190.00. A duplicate copy of this transmittal is enclosed.

☒ A check in the amount of \$1190.00 to cover the filing fee is enclosed.

☒ The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-0872. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-0872.

Please direct all correspondence to the undersigned attorney or agent at the address indicated below.

Respectfully submitted,

Date January 16, 2004

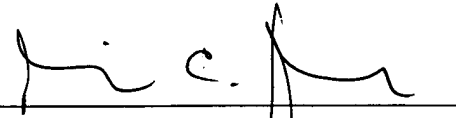
FOLEY & LARDNER

Customer Number: 23392

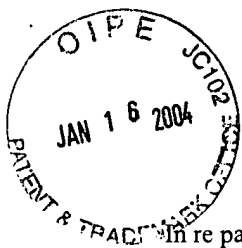
Telephone: (310) 975-7963

Facsimile: (310) 557-8475

By

A handwritten signature in black ink, appearing to read 'I. C. Harrington', written over a horizontal line.

Irvin C. Harrington, III  
Attorney for Applicant  
Registration No. 44,740



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No. 047711-0295

In re patent application of

Wayne A. Morgan et al.

Group Art Unit: 2858

Appl. No. 10/034,338

Examiner: Timothy J. Dole

Filing Date: 12/28/2001

For: IMPLANTABLE SENSOR ELECTRODES AND ELECTRONIC CIRCUITRY

**CERTIFICATE OF MAILING BY EXPRESS MAIL**

Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Commissioner:

I hereby certify that the following paper(s) and/or fee along with any attachments referred to or identified as being attached or enclosed are being deposited with the United States Postal Service as Express Mail (Express Mail Label No. EV060045106US) under 37 C.F.R. § 1.10 on the date of deposit shown below with sufficient postage and in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

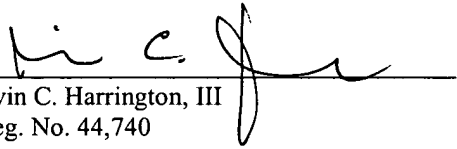
1. Request for Continued Examination (RCE) Transmittal
2. Check No. 16644 (\$1190) for: Filing fee (\$770) and Extension of Time (\$420)
3. Postcard

Respectfully submitted,

January 16, 2004

Date

Foley & Lardner  
2029 Century Park East, 35<sup>th</sup> Floor  
Los Angeles, CA 90067-3021  
Telephone: 310-277-2223  
Facsimile: 310-557-8475

  
Irvin C. Harrington, III  
Reg. No. 44,740